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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|-------------------|
| 09/742,660 | 12/21/2000 | Hidegori Nishikawa | JP9 1999 0205 US1 | 6984 |
| 45095 | 7590 | 03/10/2005 | EXAMINER | |
| HOFFMAN, WARNICK & D'ALESSANDRO LLC THREE E-COMM SQUARE ALBANY, NY 12207 | | | | NELSON, FREDA ANN |
| ART UNIT | | PAPER NUMBER | | |
| 3629 | | | | |

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/742,660 | NISHIKAWA, HIDENORI |
| | Examiner | Art Unit |
| | Freida Nelson | 3629 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 14 December 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 14 December 2004 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: PTO-892 from 09/10/04.

DETAILED ACTION

This is in response to a communication filed December 14, 2004. The applicant has amended claims 1-2. Claim 3 has been added. Claims 1-3 are pending.

Response to Amendment and Argument

Applicant's arguments with respect to claims 1-2 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman et al. (Patent Number 6,456,986) in view of Rubin et al. (Patent Number 6,078,897).

3. In Claim 1, Boardman et al. discloses a system that rates and/or discounts Events based on business rules in a Price Plan database (col.1, lines 21-26). Boardman et al. discloses that decision networks are used to determine what Price Plan

to use for an Event and how to rate the Event based on business rules which are stored in the Price Plan database (col.2, lines 24-29). Boardman et al. discloses that an algorithm calculates a price or modifies a price (applies a discount). Boardman et al. further discloses that the Algorithm Selection Rule Set 30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42-50; Figs. 1 and 2). Boardman et al. does not disclose that the charge calculation method includes at least one rule based instruction for calculating a discount, wherein said at least one rule based instruction references a discount table that includes a discount threshold value. Rubin et al. disclose that rules that describe which of the information retrieved may be combined with the proposed order are stored in vendor thresholds and catalog 210 (col. 7, lines 49-61). Rubin et al. further disclose that the vendor discount thresholds are stored in a discount table of a conventional database with each threshold containing a vendor name, a volume and a discount stored in each record of the discount table (col. 8, lines 11-15). Rubin et al. still further discloses that if the volume of the proposed order stored in proposed order storage 212 is equal to a threshold, next threshold calculator 220 signal administration 250 by sending two values: 0 and the additional volume calculated. It would have been obvious to one ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. to include the feature of Rubin et al. in order to identify how to increase an order for goods or services to realize additional discounts (Rubin; col. 2, lines 18-20).

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boardman et al. in view of Carter (Patent No. 6,553,350), in further view of Rubin et al (6,078,897).

5. In claims 2-3, Boardman et al. discloses a system that rates and/or discounts Events based on business rules in a Price Plan database (col.1, lines 21-26). Boardman et al. discloses that decision networks are used to determine what Price Plan to use for an Event and how to rate the Event based on business rules which are stored in the Price Plan database (col. 2, lines 24-29). Boardman et al. further disclose that the Algorithm Selection Rule Set 30 is within the Price Plan and guides the Event to Algorithms (col. 2, lines 42- 50 and Figs 1 and 2). An Algorithm calculates a price or modifies a price (applies a discount). Carter discloses that FIG. 1 shows an example of a basic price table wherein each row designates a potential customer that the product would be sold to, and each column designates the product will be sold, and the table entry corresponding to the basic unadjusted price for the product; and according to the prior art, in addition to the basic price table of FIG. 1, various other tables must be stored and maintained in the mainframe database (col. 2, lines 44-55; FIG. 2). Boardman et al. does not disclose that the discount table further includes a set of change point identifiers and associated discount threshold values. Rubin et al. disclose that vendor threshold and catalog 210 also stores the volume thresholds for each discount level, and information regarding

the calculation of the volume of the order (col. 3, lines 33-35). Rubin et al. further disclose that that vendor thresholds and catalog 210 is a conventional relational database with a product table holding the name, vendor identifier, undiscounted price, and unit or volume contribution, of each product wherein the volume contribution may be equal to the undiscounted price, a value of "1", or another weighted value; and a discount table holds the vendor name, volume threshold and discount calculation such as a percentage discount for each discount threshold of each vendor for which the apparatus can accept orders (col. 3, lines 48-58). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Boardman et al. and Carter to include the feature of Rubin et al. in order to provide flexibility in price modeling.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



JOHN G. WEISS
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FAN 03/04/05